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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,444	12/12/2003	Michael George Lamming	200311263-1	9678
22879	7590	06/01/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			LAI, ANNE VIET NGA	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,444

Applicant(s)

LAMMING ET AL.

Examiner

Anne V. Lai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45, 46 and 49-87 is/are rejected.
- 7) ☒ Claim(s) 47 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/20/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 12/12/2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 45, 49, 54-60, 65-68, 70-71, and 73-78 are rejected under 35 U.S.C. 102(e) as being anticipated by **Wildman et al** [US. 6,727,818].

In claim 45, **Wildman et al** disclose a method for a computer system comprising receiving identifications over time, each identification indicating a person carrying a badge 112 is detected in proximity to a place or a thing (equipment badge 113; sensors ID 108, 118, 119, 121; fig. 1); making a log of

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some identifications (Table 1, col. 23); running a pattern recognition on the log which recognizes an event (determine hand or equipment has not been washed); and notifying a person of the event (abstract; col. 3, line 36- col. 5, line 3; col. 8, line 4 –col. 9, line 36).

In claim 49, **Wildman et al** disclose determining and reminding the person if he left a first place (contamination zone) and did not stop at a second place (washing station) (figure 6).

In claims 54 and 55, **Wildman et al** disclose the log includes a timestamp for some of the identifications (Table 1, col. 23) and the pattern recognition algorithm operates based on identification timestamps (fig. 6).

In claims 56 and 57, **Wildman et al** disclose a first computer (badge 112) worn by a first person provides the identifications, the event indicates the status of the first person (compliance, not compliance) and a second person (at master station or at various locations in the facility) is notified of the status of the first person (col. 8, lines 46-60; col. 24, line 66- col. 25, line 26).

In claims 58-60, **Wildman et al** disclose receiving the identification is performed by a plurality of second computers (sensors 108, 118, 119, 121) located within the first person environment, a third computer 129 at the master station notifying the second person and running the pattern recognition algorithm (figs. 1 and 14).

In claim 65, **Wildman et al** disclose issuing timestamp-identification pairs (badge ID – sensor ID; Table 1, col. 23); claim 65 is rejected with the same reason as the rejection of claim 45.

In claims 66-68 and 70, **Wildman et al** disclose a method of monitoring a first person (caregiver) by a second person (personnel at master station) comprising receiving ID at proximity, making a log with timestamps for some ID, running pattern recognition and notifying a second person of the event; the ID is received from a computer worn by a first person and from a plurality of computers (sensors) located at various places within the environment for the first person (figs. 1, 6; Table 1, col. 23).

4. Claims 71, 73-78 are rejected under 35 U.S.C. 102(e) as being anticipated by **Colston** [US. 2003/0204130].

In claim 71, **Colston** teaches a computer for use in a computing system, comprising: a wireless detector (100, 10) for receiving identifications indicating detection of proximity to a place or a thing (20), a central storage and processing unit (16) storing a log of selected identifications and evaluating the log for event recognition ([0025]; fig. 1)

In claims 73 and 78, **Colston** teaches wireless and wired communications between plural mobile devices and networks, in a surveillance system of the type taught by Colston (outbreak disease) notifying the status of a person (contagious) to another person (doctor) or to another computer upon recognizing an event is inherent (fig. 4, [0032]).

In claims 74 and 76, **Colston** teaches the log includes a timestamp for the identifications and the pattern recognition operates based on timestamps ([0029]).

In claim 77, the central processing unit of **Colston** is a laptop, PDA or cell phone therefore input and output devices coupled thereto is inherent ([0025]-[0027]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 46 and 84-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wildman et al.**

In claim 46, **Wildman et al** disclose running the pattern recognition to determine and notify a person that left a particular place without washing his hands (signal by the portable dispenser not being used, the portable dispenser 250 with badge 113 is particularly assigned to the person; col. 7, line 55 – col. 8, line 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made a computer can be programmed to run particular application by a designer based on user demand (for example the dispenser can be programmed to signal the master station when the person left a particular place without the dispenser).

In claims 84-87, although **Wildman et al** does not disclose a computer code to implement the method of claims 45, 65 and 66; it would have been

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obvious to one having ordinary skill in the art at the time the invention was made a computer code must be implemented to realize a method in a computing system.

7. Claims 50-53, 61-64, 69 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wildman et al** in view of **Colston**.

In claim 50, **Wildman et al** does not specify downloading a pattern for the pattern recognition algorithm, **Colston** teaches a method for a computer system for proximity downloading identification and pattern (duration and degree of proximity of personal apparatus identification badges 10 and 20) for the pattern recognition algorithm (fig. 1; [0025], [0029]). It would have been obvious to one having ordinary skill in the art to use the identification badge as taught by Colston in Wildman et al system to provide mobility and effectiveness in pattern recognition and signaling since a completed computer controlled function is resided in each personal apparatus.

In claim 51, **Colston** teaches the identifications are received by a mobile computer and occasionally transferring the identifications to a based computer ([0011], [0027]).

In claims 52-53, **Wildman et al** and **Colston** disclose active pattern recognition and it would have been obvious in computer system, the pattern recognition algorithms can be modified in response to certain event based on designer choice to adapt to the need of the user.

In claims 61 and 69, **Colston** teaches the first computer (10) receives identifications ([0011], [0025]).

In claim 62-63, **Wildman et al** disclose the second computers provide the identifications (sensors 108, 118, 119, 121 sending to the master station their own ID with the caregiver ID and compliance signal; Table 1, col. 23).

In claim 64, **Colston** teaches the first computer is capable of running the pattern recognition algorithm (collectively analyzing downloaded proximity data received from each of the plurality of apparatus (mobile proximity data 10; fig. 1; [0011]).

In claim 72, **Colston** teaches notifying a person of an event ([0025]), **Wildman et al** disclose reminding a person of an event (col. 8, line 4-col. 5, line 36).

8. Claims 79-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wildman et al** in view of **Stilp** [US. 2001/0040512].

In claim 79, **Wildman et al** fail to disclose detail structure of plural computers in the computing system. **Stilp** teaches a monitoring system comprising a plurality of proximity detectors (RFID reader 200) installed at plural locations within an institution, each detector (reader) comprises a set of software logic resided in a processor and a memory for performing controller function (processing, determination, command, communication and alert indication), therefore the detector is inherently a computer; the controller functions arbitrate among themselves to determine which controller function shall be the master controller for a given period of time ([0071]-[0083]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the computer controller function of **Stilp** to the proximity sensor in

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Wildman et al system to have a distributed controlling over the institution to provide the user a reliable and effective monitoring system.

In claims 80-83, **Wildman et al** (figs. 1, 6, 14; table 1, col. 23) and **Stilp** [0083] system disclose at least one of the computer issues a reminder for a person or notifies a person the status of another person, recognizes an event based on timestamps for the identifications.

Allowable Subject Matter

9. Claims 47-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hines et al disclose a personal alarm monitor system. [US.2001/0040512]

Pulkkinen et al disclose selectively monitoring activities in a tracking environment. [US. 2003/0227386]

Greenberger discloses a school security method. [US. 2004/0145475]

Wildman et al disclose article locating and tracking. [US. 2005/0035862]

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 8:00 am to 5:30 pm, Monday to Thursday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. V. Lai
May 19, 2005



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